

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

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ESCO MFG., INC., a  
Corporation

CIV. 07-1026

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Plaintiff,

\*

\*

vs.

\* AMENDED COMPLAINT

\*

ADVANCE SIGN GROUP, LLC, a  
Limited Liability Company; and  
THE WASSERSTROM GROUP, LLC,  
a Limited Liability Company

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Defendants.

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COMES NOW the Plaintiff, ESCO MFG, INC, by and through its attorney of record, Lee Schoenbeck, and alleges as follows:

**BREACH OF CONTRACT**

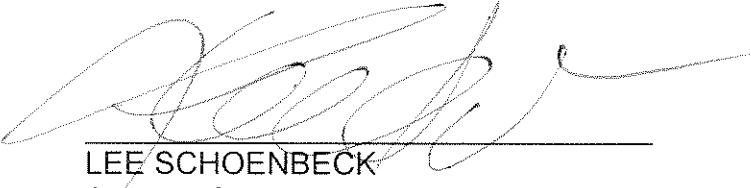
1. ESCO MFG, INC. (hereinafter "ESCO") is a corporation with its principal place of business in Watertown, Codington County, South Dakota.
2. Advance Sign Group, LLC, and The Wassterstrom Group, LLC, are limited liability companies, with their principal places of business in Columbus, Ohio, and are collectively referred to hereinafter as "Advance Signs."
3. Advance Signs entered into a contract with ESCO for signs to be manufactured by ESCO in South Dakota.
4. Advance Signs made partial payment on the signs.
5. The balance owing on the contract is \$95,994.54.
6. ESCO has made demand for payment, which payment has not been made by Advance Signs.
7. ESCO has already shipped many completed signs, which Defendants have the benefit and use of.

8. Many nearly completed signs remain in storage at ESCO, pursuant to Defendants' notification to ESCO to not ship these signs.
9. ESCO is incurring storage charges for these signs, which charges should be the responsibility of Defendants.
10. ESCO is entitled to prejudgment interest for the amounts billed and owing and the storage charges.

WHEREFORE, ESCO prays for judgment against Defendants in the amount of \$95,994.54, plus storage charges, plus prejudgment interest.

DATED this 12<sup>th</sup> day of December 2007.

SCHOENBECK LAW

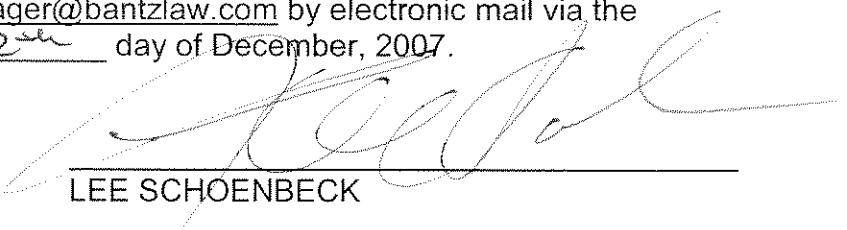


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PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing Amended Complaint on Ronald A. Wager, attorney for Defendants, PO Box 970, Aberdeen, SD, 57402, rwager@bantzlaw.com by electronic mail via the Federal District Court Clerk this 12<sup>th</sup> day of December, 2007.



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LEE SCHOENBECK